

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

GLENN DEVOLDER, MICHAEL and
JESSICA GUCIARDO, BILL and
DEDRA BRADLEY and ELCC CO.,
MARK and DONNA ADAMS,
PAULA ANGLEMYER, CARL and
GENE BOLIN, WALTER and EFFIE
BOLIEU, MATTHEW and MELBA
BURRUSS, EUGENE CIERI,
LEANDRO CIERI and AXIOS
AUDACIA, LLC, MARK COLBY,
ERNEST DUNN, DOUG and RENEE
FISHER, BRENT and STACY
GLOPEN, THOMAS HANDZLIK and
DE PARADISE LLC, MARY LOU
HERMES, CHERLYN JONES,
MARION LUND, PAUL and
KIMBERLY NECESSARY, MARK
and HEIDI RICKNER, and LAURA
SCHULTZE, individually and on
behalf of others similarly situated,

Plaintiffs,

vs.

MONTANA RAIL LINK, INC., and
BNSF RAILWAY CO.,

Defendants.

CV 23–124–M–DLC

ORDER

Before the Court is Plaintiffs’ Unopposed Motion to Dismiss Without
Prejudice. (Doc. 10.) Plaintiffs move to dismiss this case without prejudice on the

grounds that the parties have agreed to Plaintiffs filing this case in the state district court. (*Id.* at 2.) Pursuant to Fed. R. Civ. P. 41(a)(2), “an action may be dismissed at the plaintiff’s request only by court order, on the terms that the court considers proper.” Any such dismissal is without prejudice unless otherwise stated. Fed. R. Civ. P. 41(a)(2). The Court is satisfied that dismissal of this action is proper.

Accordingly, IT IS ORDERED that the motion (Doc. 10) is GRANTED and the above captioned matter is DISMISSED WITHOUT PREJUDICE.

DATED this 8th day of May, 2024.



Dana L. Christensen, District Judge
United States District Court